

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BANNER LIFE INSURANCE
COMPANY,

Plaintiff,

v.

EDUARDO ROCHA, *et al.*,

Defendants.

Case No. 1:25-cv-00207-CDB

ORDER GRANTING UNOPPOSED
MOTION TO EXTEND DEADLINE *NUNC
PRO TUNC* FOR DEFENDANT TO
RESPOND TO THE FIRST AMENDED
COMPLAINT

(Doc. 55)

THREE-DAY DEADLINE

Pending before the Court is Defendant Eduardo Rocha's motion to extend the deadline to file his responsive pleading to the first amended complaint. (Doc. 55). Defendant represents that counsel John S. Dulcich was "unable to timely prepare and file Defendant's answer" due to an "unavoidable trial conflict" resulting from a civil trial in state court from July 28, 2025, to August 7, 2025. Defendant states that Plaintiff does not oppose the "filing of a late answer." *Id.* at 3. Defendant attaches to his motion a proposed answer. (Doc. 55-1).

As a preliminary matter, Defendant's motion is noticed for hearing on September 24, 2025, in violation of the Local Rules. Local Rule 230(b) requires a motion to be set for hearing "not less than thirty-five (35) days after service and filing of the motion." E.D. Cal. L.R. 230(b). Defendant's motion is, thus, noticed in violation of this Court's Local Rules. In any event, the Court deems the motion suitable for disposition without hearing and oral argument and will vacate

1 the hearing. *See* E.D. Cal. L.R. 230(g).

2 In the Eastern District of California, “[r]equests for Court-approved extensions brought on
3 the required filing date for the pleading or other document are looked upon with disfavor.” Local
4 Rule 144(d). Defendant brings his motion over a full week after the relevant filing deadline and
5 only after the Court directed Plaintiff to file for entry of default against him. *See* (Doc. 49). While
6 the Court finds good cause to grant the requested extension as the motion is unopposed and default
7 has not yet been entered, it should have become apparent to Defendant that he required an extension
8 of time to file a response to the first amended complaint before the August 13, 2025, filing deadline.
9 *See* Fed. R. Civ. P. 15(a)(3). The Court disfavors granting relief *nunc pro tunc* and admonishes
10 Defendant to exercise better care and to adhere to this Court’s Local Rules in all future filings.

11 **Conclusion and Order**

12 In light of the representations in Defendant’s motion and good cause appearing, IT IS
13 HEREBY ORDERED that:

- 14 1. The hearing noticed for September 24, 2025, on the motion for extension of time to
15 file an answer (Doc. 55) is VACATED.
16 2. Defendant’s motion (Doc. 55) is GRANTED.
17 3. Defendant shall file the proposed answer accompanying his motion (Doc. 55-1) as a
18 stand-alone entry on the docket **within three (3) days** of entry of this order.

19 **Any failure to comply with this Order may result in the imposition of sanctions.**

20 IT IS SO ORDERED.

21 Dated: August 25, 2025


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UNITED STATES MAGISTRATE JUDGE
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